

# TRIAL RECORD/ORDER

In the Provincial Court of British Columbia, Canada  
(Small Claims Court)

DT: 1hr 5m. 15

REGISTRY FILE NUMBER:

1138247

COURTROOM

106

REGISTRY LOCATION:

RSFC

Before Judge

Gardini

on Jan. 30, 2013 clerk JT

In the case  
between

Cavaliere Financial & Management INC.

CLAIMANT(S)

and

Imago Mobile Technologies Corp.

DEFENDANT(S)

Appearances

Claimant(s)

PA NA

Counsel/representative

Cavaliere R.

PA NA

(President)

Defendant(s)

PA NA

Counsel/representative

Irvine S.

PA NA

Defendant(s)/Third Party

PA NA

Counsel/representative

PA NA

Order

☐ By Consent ☐ Granted ☐ Dismissed ☐ Cancelled ☐ Not heard

Warrants

☐ Warrant of Arrest ☐ Warrant of Imprisonment for  days

Name of person to be arrested/imprisoned

Adjournment

For a ☐ Trial  
☐ Settlement Conference  
☐ Payment Hearing  
☐ Default Hearing

On  date  at  time AM / PM

☐ or to a date to be set by the court.

Number of Witnesses  Claimant  Defendant  Expert

Estimated time required  hours

Payment  
Order

For \$  Awarded to ☐ Claimant ☐ Defendant

↓

+

+

=

☐ Contractual ☐ Court Order Interest at  % per annum calculated from  date

Expenses ☐ to be assessed by the registrar

Total to be paid

Payment  
Schedule

Payment ☐ Immediate ☐ Schedule

Terms:

\$  on  date  and \$

on  of each month until the amount is paid or another order is made by the court.

Other  
Orders

Judgment to the claimant in the amount of \$4975.00 plus service & filing fees of \$236.00, no court-ordered interest.

Please see attached addendum.

☐ see attachment for continuation of order

Total  
from Court

For \$ 4975.00

Interest % as noted above

Expenses

Total awarded

236.00

\$ 5211.00

Signature of a Judge in and for the Province of British Columbia.

Signature of a Registrar in and for the Province of British Columbia.

142

**File ROB-P-C 11 - 38247 Vancouver Registry**

**Cavaliere Financial & Management Inc. v. Imogo Mobile Technologies Corp.**

**Addendum to Trial Record/Order dated Jan 30, 2013**

In giving my verbal reasons for judgment on January 30, 2013, I did not specifically address the counterclaim for breach of contract made by the defendant in its Reply filed January 3, 2012. Further, I did not mention the counterclaim in the Trial Record/Order signed at the end of the trial.

Mr. Stewart Irvine, acting for the defendant, did not specifically raise the counterclaim in his summation. At one point, in the course of hearing further submissions from the parties regarding the calculation of damages for the claimant, the counterclaim was mentioned. However, after listening to the court recording, it is not clear whether the parties appreciated that it was my intention to dismiss the counterclaim. As I did not directly and expressly address the counterclaim in my order I have prepared this Addendum to be mailed to the parties to the address recorded on the Notice of Claim and the Reply. If the parties wish to address the court on this point they must contact the Registry in writing within 28 days of the date of mailing.

# TRIAL RECORD/ORDER

In the Provincial Court of British Columbia, Canada  
(Small Claims Court)

BT 4hrs  
REGISTRY FILE NUMBER:

11-38247

COURTROOM

106

REGISTRY LOCATION:

RSPC

Before Judge

Giardini, M

on 29 Jan 2013 clerk

DA

In the case  
between

CAVALIERE FINANCIAL & MANAGEMENT INC &

CLAIMANT(S)

CAVALIERE FINANCIAL & MANAGEMENT INC

and

IMOGO MOBILE TECHNOLOGIES CORP.

DEFENDANT(S)

Appearances

Claimant(s)

PA

NA

Counsel/representative

Benoit CAVALIERE

Defendant(s)

PA

NA

Counsel/representative

Stewart IRVINE

Defendant(s)/Third Party

PA

NA

Counsel/representative

PA

NA

(President / owner)

PA

NA

(President / owner)

PA

NA

Order

☐

By Consent

☐

Granted

☐

Dismissed

☐

Cancelled

☐

Not heard

Warrants

☐

Warrant of Arrest

☐

Warrant of Imprisonment for

days

Name of person to be arrested/imprisoned

Adjournment

For a

☒

Trial CNT/DEC

☐

Settlement Conference

☐

Payment Hearing

☐

Default Hearing

On

date

30 Jan 2013

at

time

9:30 AM/PM

☐

or to a date to be

set by the court.

Number of Witnesses

Claimant

Defendant

Expert

#106

Estimated time required

hours

Payment  
Order

For

\$

Awarded to

☐

Claimant

☐

Defendant

☐

☐

☐

☐

☐ Contractual

☐ Court Order

Interest at

% per annum

calculated from

date

Expenses

☐

to be assessed by the registrar

Total to

be paid

Payment  
Schedule

Payment

☐

Immediate

☐

Schedule

Terms:

\$

on

date

and

\$

on

of each month until the amount is paid or another order is made by the court.

Other  
Orders


☐ see attachment for continuation of order

Total  
from Court

For

\$

Interest % as noted above

Expenses

Total awarded

Signature of a Judge in and for the Province of British Columbia.

Signature of a Registrar in and for the Province of British Columbia.

# TRIAL RECORD/ORDER

In the Provincial Court of British Columbia, Canada  
(Small Claims Court)

DT 05  
REGISTRY FILE NUMBER:

1138247

COURTROOM

REGISTRY LOCATION:

104

ASPC

Before Judge

*Wier*

on *Jan 24/13* clerk

In the case  
between

*Cavaliere Financial + management Inc* CLAIMANT(S)

and

*Imago Mobile Technologies Corp.* DEFENDANT(S)

Appearances

Claimant(s)	Defendant(s)	Defendant(s)/Third Party
<input checked="" type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative <i>R. Cavaliere</i>	<input checked="" type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative <i>S. Irvine</i>	<input type="checkbox"/> PA <input type="checkbox"/> NA Counsel/representative
<input type="checkbox"/> PA <input type="checkbox"/> NA (pres.)	<input type="checkbox"/> PA <input type="checkbox"/> NA (pres.)	<input type="checkbox"/> PA <input type="checkbox"/> NA

Order

☐ By Consent ☐ Granted ☐ Dismissed ☐ Cancelled ☐ Not heard

Warrants

☐ Warrant of Arrest ☐ Warrant of Imprisonment for  days

Name of person to be arrested/imprisoned

Adjournment

For a ☐ Trial ☐ Settlement Conference ☐ Payment Hearing ☐ Default Hearing  
On  date  at  time AM / PM ☐ or to a date to be set by the court.  
Number of Witnesses  Claimant  Defendant  Expert  
Estimated time required  hours

Payment  
Order

For \$   
↓  
+   
+   
=   
Awarded to ☐ Claimant ☐ Defendant  
☐ Contractual ☐ Court Order Interest at  % per annum calculated from  date  
Expenses ☐ to be assessed by the registrar  
Total to be paid

Payment  
Schedule

Payment ☐ Immediate ☐ Schedule

Terms:

\$  on  date  and \$   
on  of each month until the amount is paid or another order is made by the court.

Other  
Orders

*Adj to trial to set new trial date  
(today) see if there  
is a judge available to hear  
the trial + if not to set  
a new trial date This trial  
was adjourned for lack of court  
time + JFC not to* ☐ see attachment for continuation of order

Total  
from Court

For \$   
*hear.*  
*Time estimate*  
Interest % as noted above  
Expenses *now 1-1/2*  
Total awarded *days*

*[Signature]*  
Signature of a Judge in and for the Province of British Columbia.

Signature of a Registrar in and for the Province of British Columbia.

# Trial Conference Record

In the Provincial Court of British Columbia  
(Small Claims Court)

DT: 45 mins. 11 13 G.

REGISTRY FILE NUMBER:

1138247

COURTROOM

114.

REGISTRY LOCATION:

RSPC

## BEFORE JUDGE

J. J. J. J.

☐ Telephone ☐ Video

on 10 July 2012 clerk MPurdy

## APPEARANCES

Claimant(s)

Cavaliere Financial + Management INC

PA NA

☐ ☐

Counsel ☐ / Representative ☒ / Interpreter ☐

PA NA

☒ ☐

Renato Cavaliere (rep)

PA NA

☒ ☐

Crystal Comley (rep)

Defendant(s)

Imago Mobile Technologies Corp

PA NA

☐ ☐

Counsel ☒ / Representative ☐ / Interpreter ☐ Madani, D. (c)

PA NA

☒ ☐

Stewart Irvine (rep)

Defendant(s)/Third party(ies)

PA NA

☐ ☐

Counsel ☐ / Representative ☐ / Interpreter ☐

## ☐ PAYMENT ORDER

☐ By Agreement

☐ By Default

## ☐ DISMISSAL ORDER

☐ Rule 7.5(18) (no appearance by claimant)

☐ Rule 7.5(14)(i)

For \$ \_\_\_\_\_ To ☐ Claimant ☐ Defendant day month year

+ \_\_\_\_\_ Interest at \_\_\_\_\_ % per annum calculated from \_\_\_\_\_

+ \_\_\_\_\_ Expenses ☐ to be assessed by the registrar to \_\_\_\_\_

= \_\_\_\_\_ TOTAL

Payment ☐ Immediate ☐ Schedule

After discussion with the parties and review of the filed documents, the \_\_\_\_\_ is dismissed because it;

☐ is without reasonable grounds

☐ discloses no triable issue

☐ is frivolous or

☐ is an abuse of the court's process

Terms/other orders: (if more space is required add page and check box ☐) Defendant advised of Rule 20(5)

re: Counterclaim. Defendant Parties at liberty to file amended Trial Statements to add documents by Aug 3, 2012.

\* Parties advised of offer to Settle Rule.

## ADJOURNMENT

for a ☐ Application/referral to Court

☒ Trial

☐ Payment Hearing

☐ Trial Conference

☐ Other

on \_\_\_\_\_ day month year at \_\_\_\_\_ time am pm

or ☐ Date to be fixed by registry (notice to be sent to all parties).

\* JFW NOT TO 1 YEAR TRIAL

Number of witnesses 1-3 Claimant 3 Defendant \_\_\_\_\_ Third Party \_\_\_\_\_ Expert \_\_\_\_\_ Translator \_\_\_\_\_ (party to arrange)

Estimated time required 2 Hours Days

Agreed facts and outstanding issues: (if more space is required add page and check box ☐)

## DOCUMENT EXCHANGE ORDER

☐ The parties must exchange a copy of

☐ a completed or revised Trial Statement and attachments

☐ all documents listed on the attached page

by date \_\_\_\_\_ and bring 2 copies to the next court appearance

☒ All parties must exchange any case law they intend to use by date at least one week before trial.

## DISCLOSURE OF EVIDENCE ORDER

☐ Each party must provide each other party with the name, address and telephone number and a summary of evidence of all witnesses the party intends to call as a witness at trial, including any expert witness by date \_\_\_\_\_

Claimant's signature

Defendant's signature

Third Party's Signature

Judge's signature

# Mediation Session Record

In the Provincial Court of British Columbia  
(Small Claims Court)

REGISTRY FILE NUMBER:

11-38247

MEDIATION  
ROOM  
117

REGISTRY LOCATION:

Vancouver

START  
09:30

AM / PM

FINISH  
11:30

AM / PM

## MEDIATOR:

Karen Bourgeault

☐ Telephone

☐ Video

on 21 02 12  
day month year

## APPEARANCES

Claimant(s) Cavaliere Financial & Management Inc.

PA ☒ NA ☐

Renato Cavaliere (R)

Counsel ☐ / Representative ☒ / Interpreter ☐  
Telephone ☐ / Video ☐

PA ☐ NA ☐

Crystal Conley (R)

☐ Telephone

☐ Video

PA ☐ NA ☐

Defendant(s) Imogo Mobile Technologies Corp.

PA ☒ NA ☐

Stewart Irvine (R)

Counsel ☐ / Representative ☒ / Interpreter ☐  
Telephone ☐ / Video ☐

PA ☐ NA ☐

David Mondani (C)

☐ Telephone

☐ Video

PA ☐ NA ☐

Defendant(s)/Third party(ies)

PA ☐ NA ☐

Counsel ☐ / Representative ☐ / Interpreter ☐  
Telephone ☐ / Video ☐

☐ Telephone

☐ Video

PA ☐ NA ☐

☐ If the parties came to a partial settlement, list the issues which remain outstanding:  
(List issues by name of document and corresponding number on court list)

ALL